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May 2, 2008

**VIA ECF AND HAND DELIVERY**

Hon. Thomas P. Griesa  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1630  
New York, New York 10007

**Re: Case 1:07-cv-03235-TPG  
Anna Sui Corp. v. Forever 21, Inc. et al**

Your Honor:

We represent Plaintiff Anna Sui Corp. in the above-referenced matter.

We are writing to object to Defendants' Declaration and Memorandum of Law filed yesterday without leave of Court (the "May 1 Filing.") The May 1 Filing is tardy, improperly filed and unresponsive. Plaintiff requests the May 1 Filing be stricken from the Court record in its entirety.

Defendants' counsel was personally served with Plaintiff's Reply Papers in Support of its Renewed Motion for Expedited Discovery and Opposition to Defendants' Cross-Motion on April 28, 2008. Pursuant to Local Rule 6.1(a), any pleadings in reply to the Cross-Motion were due on April 29, 2008. Defendants' did not seek additional time; the filing is therefore tardy. In any event, the May 1 Filing is unresponsive to Plaintiff's opposition and instead constitutes a sur-Reply to Plaintiff's Renewed Motion for Expedited Discovery filed without leave.

Striking the May 1 Filing will not prejudice this Court's ability to rule on Plaintiff's pending renewed Motion. The submitted Declaration of Young Kwon, dated April 30, 2008, contains mere allegations not supported by evidence, and states as facts matters contrary to evidence already in the record. For example, without documentary evidence, Mr. Kwon states that the April 2008 Infringement (a black dress) does not constitute a new infringement because it must be the same item as Exhibit 21B (a peach

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dress). The evidence adduced thus far augurs to the contrary; it is Defendants' practice to assign different item numbers to every variant of a design, including to identify different colors of the same garment. Exhibits 1 and 2 to the First Amended Complaint show the same Forever 21 garment, a sundress, infringing two Anna Sui Designs; the two garments, identical except for color, each have their own unique item codes (see Exhibit A).

Mr. Kwon's unsupported statements in a self-serving, tardy and unresponsive submission should not be allowed to stand. Plaintiff respectfully requests that Your Honor disregard the May 1 Filing and order it be withdrawn from ECF.

Respectfully submitted,

/s/ MARYA LENN YEE

MARYA LENN YEE

Cc: James M. Gibson, Esq. (via ECF and First Class Mail)  
Robert L. Powley, Esq. (via ECF and First Class Mail)  
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